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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,790	11/18/2003	Hsin Chih Tung	2724-P-14655	4153
7590	11/17/2005		EXAMINER	
HSIN CHIH TUNG P.O. BOX 26-757 TAIPEI, TAIWAN			ADDISU, SARA	
			ART UNIT	PAPER NUMBER
			3722	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/719,790	<b>Applicant(s)</b> TUNG, HSIN CHIH	
	<b>Examiner</b> Sara Addisu	<b>Art Unit</b> 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 5-10 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

- The abstract of the disclosure is objected to because it is in claim format and contains legal phraseology, e.g. "comprises".. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 6 and 10 rejected under 35 U.S.C. 102(e) as being anticipated by Chen (U.S. Patent No. 6,921,235).

CHEN teaches a laser-positioning device (A) for a drilling machine having a clamping ring fitted around a drill chuck of a drilling machine (i.e. placed at a location of an outer case of the drilling machine above the drill tool) ('235, figure 5). CHEN also teaches the laser-positioning device (A) comprising a carrier base (4), having two accommodating slots (see figure below) with a pair of laser sources (46) mounted in it such that the light beam is projected forming an intersecting point on a trajectory of the

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drill tool ('235, Col. 3, lines 1-14) (note: MSN Encarta defines a slot as opening: a narrow vertical or horizontal opening into which something can be inserted).

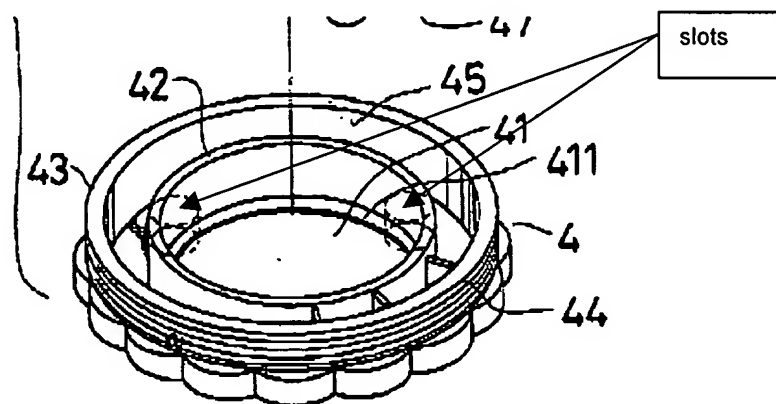


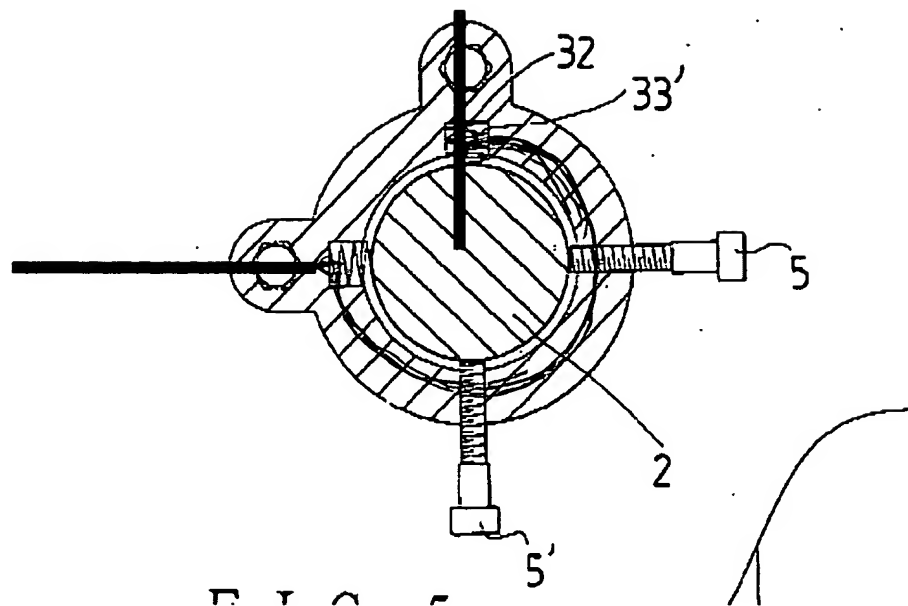
FIG. 3

2. Claims 1, 2, 5 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen (U.S. Pub. No. 2004/0136795).

CHEN teaches a laser-positioning device (1) for a drilling machine placed at a location of an outer case of the drilling machine above the drill tool (2004/0136795, figures 3 and 4). CHEN also teaches the laser-positioning device (1) comprising a carrier base (3), having two accommodating slots (31, 31') with a pair of laser sources

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(4, 4') mounted in it such that the light beam is projected forming an intersecting point on a trajectory of the drill tool (2004/0136795, paragraph 21) (note: MSN Encarta defines a slot as opening: a narrow vertical or horizontal opening into which something can be inserted). Furthermore, CHEN teaches in figures 3 and 5, the carrier base (3) having a generally L-shaped appearance (see below) with a plurality of attachment ears (33, 33') assembled at an inner edge of the carrier base (3). Regarding claim 2, CHEN teaches adjustment bolts (5, 5') being screwed such that they contact support tube (2) and cause the attachment ears (33, 33') to also come into contact with the support tube (2) (2004/0136795, paragraph 22). Therefore, broadly interpreting claim 2, each attachment ear has a threaded hole (34, 34') for fastening to the outer case of the drilling machine. Regarding claim 5, CHEN teaches the carrier base (3) having a pair of attachment pieces (5, 5') arranged at a location of the outer case (2) of the drilling tool above the drill tool (6).



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (U.S. Patent No. 6,921,235).

CHEN discloses the claimed invention (i.e. a laser-positioning device (A) for a drilling machine having laser sources (46), a power source (47) and a control switch

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(48) ('235, figure 3 and Col. 2, lines 66-67)). Except for each laser source having its own power source and a control switch as well as the laser source including a control switch at an end portion of the laser source, and a battery placed inside the laser source.

Regarding claim 7, it would have been obvious to one ordinary skill in the art at the time the invention was made to provide a power source and a control switch for each laser source to have the capability of controlling each laser separately because it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. V. Bemis Co.*.

Regarding claim 9, it would have been obvious to one ordinary skill in the art at the time the invention was made to place the control switch at the end portion of the laser source, and the battery inside the laser source for the purpose simplifying the wiring (i.e. less length required), because it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (U.S. Patent No. 6,921,235) in view of Wu (U.S. Pub No. 2004/0093749).

CHEN discloses a laser-positioning device (A) for a drilling machine having laser sources (46), a power source (47) and a control switch (48), as set forth in the above rejection.

However, CHEN fails to teach the control switch being located at an outer edge of the carrier base and the power source being a battery mounted on the carrier base.

WU teaches a laser alignment device for drills. WU also teaches the laser-alignment device comprising a carrier base (41), having a pair of laser sources (6, 6') received in two accommodating slots (2004/0093749, figure 5 and paragraph 24). WU also teaches a control switch (7) located at an outer edge of the carrier base and battery/power source (8) being mounted on the carrier base.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Chen's invention such that its control switch is located at an outer edge of the carrier base and battery/power source (8) is mounted on the carrier base, as taught by WU for the purpose of having easy access to the switch and battery if it needs to be replaced.

***Allowable Subject Matter***

5. Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



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**Conclusion**

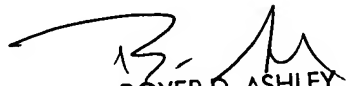
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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11/19/05

  
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PRIMARY EXAMINER